

1-1 By: Campbell S.B. No. 239
 1-2 (In the Senate - Filed November 16, 2016; January 30, 2017,
 1-3 read first time and referred to Committee on Criminal Justice;
 1-4 April 18, 2017, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 7, Nays 0; April 18, 2017,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15			X	
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 239 By: Perry

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to a parent's right to view the body of a deceased child
 1-22 before an autopsy is performed.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Chapter 49, Code of Criminal Procedure, is
 1-25 amended by adding Subchapter D to read as follows:

1-26 SUBCHAPTER D. PARENTAL RIGHT TO VIEW DECEASED CHILD

1-27 Art. 49.51. DEFINITIONS. In this subchapter:

1-28 (1) "Child" means a person younger than 18 years of
 1-29 age.

1-30 (2) "Parent" has the meaning assigned by Section
 1-31 160.102(11), Family Code.

1-32 Art. 49.52. PARENTAL RIGHT TO VIEW DECEASED CHILD.

1-33 (a) Except as provided by Subsection (b) or (c), a parent of a
 1-34 deceased child is entitled to view the child's body before a justice
 1-35 of the peace or the medical examiner, as applicable, for the county
 1-36 in which the death occurred assumes control over the body under
 1-37 Subchapter A or B, as applicable. If the child's death occurred at
 1-38 a hospital or other health care facility, the viewing may be
 1-39 conducted at the hospital or facility.

1-40 (b) A parent of a deceased child may not view the child's
 1-41 body after a justice of the peace or medical examiner described by
 1-42 Subsection (a) assumes control over the body under Subchapter A or
 1-43 B, as applicable, unless the parent first obtains the consent of the
 1-44 justice of the peace or medical examiner or a person acting on
 1-45 behalf of the justice of the peace or medical examiner.

1-46 (c) A viewing of the body of a deceased child whose death is
 1-47 determined to be subject to an inquest under Article 49.04 or 49.25,
 1-48 as applicable, must be conducted in compliance with the following
 1-49 conditions:

1-50 (1) the viewing must be supervised by:

1-51 (A) if law enforcement has assumed control over
 1-52 the body at the time of the viewing, an appropriate peace officer
 1-53 or, with the officer's consent, a person described by Paragraph
 1-54 (B); or

1-55 (B) a physician, registered nurse, or licensed
 1-56 vocational nurse or the justice of the peace or the medical examiner
 1-57 or a person acting on behalf of the justice of the peace or medical
 1-58 examiner;

1-59 (2) a parent of the deceased child may not have contact
 1-60 with the child's body unless the parent first obtains the consent of

2-1 the justice of the peace or medical examiner or a person acting on
2-2 behalf of the justice of the peace or medical examiner; and

2-3 (3) a person may not remove a medical device from the
2-4 child's body or otherwise alter the condition of the body for
2-5 purposes of conducting the viewing unless the person first obtains
2-6 the consent of the justice of the peace or medical examiner or a
2-7 person acting on behalf of the justice of the peace or medical
2-8 examiner.

2-9 (d) A person is not entitled to compensation for performing
2-10 duties on behalf of a justice of the peace or medical examiner or
2-11 with a peace officer's consent under this article unless the
2-12 commissioners court of the applicable county approves the
2-13 compensation.

2-14 SECTION 2. This Act takes effect September 1, 2017.

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